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Counsel for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

USA CAPITAL REALTY ADVISORS,  
LLC,

USA CAPITAL DIVERSIFIED TRUST  
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED  
FUND, LLC,

USA SECURITIES, LLC,

Debtors.

**Affects:**

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR  
Case No. BK-S-06-10729-LBR

**CHAPTER 11**

Jointly Administered Under Case No.  
BK-S-06-10725 LBR

**Motion For Order Requiring First  
American Title Insurance Agency To  
Produce One Or More Representatives  
For Examination Pursuant To Federal  
Rule Of Bankruptcy Procedure 2004**

[No hearing required]

Pursuant to Federal Rule of Bankruptcy Procedure 2004, the USACM Liquidating Trust (the "Trust" or "Movant") moves this Court for an order requiring First American Title Insurance Agency ("First American") to produce one or more representatives, as set forth in the subpoena to be issued under Federal Rule of Bankruptcy Procedure 9016, to appear for examination at the office of Lewis and Roca LLP, 19th Floor, 40 N. Central Avenue, Phoenix, Arizona 85004-4429, on a business day no earlier than 10 business days

1 after the filing of this Motion and no later than August 10, 2007, or at such other mutually  
 2 agreeable location, date, and time, and continuing from day to day thereafter until  
 3 completed.

4 This Motion is further explained in the following Memorandum.

### 5 **Memorandum**

6 The Trust seeks information concerning escrows opened or handled by First  
 7 American on behalf of USACM, the other debtors in the above-captioned cases (together  
 8 with USACM, the “Debtors”), and the Debtors’ affiliates, subsidiaries, parents, or  
 9 otherwise related entities. The Trust seeks this information to assist in the collection of the  
 10 assets and the investigation of the liabilities of the Debtors.

11 The requested discovery from First American is within the scope of examination  
 12 permitted under Bankruptcy Rule 2004, which includes:

13 [t]he acts, conduct, or property or . . . the liabilities and financial condition  
 14 of the debtor, or . . . any matter which may affect the administration of the  
 15 debtor’s estate, or to the debtor’s right to a discharge. In a . . .  
 16 reorganization case under chapter 11 of the Code, . . . the examination may  
 17 also relate to the operation of any business and the desirability of its  
 continuance, the source of any money or property acquired or to be acquired  
 by the debtor for purposes of consummating a plan and the consideration  
 given or offered therefore, and any other matter relevant to the case or to the  
 formulation of a plan.<sup>1</sup>

### 18 **Conclusion**

19 Accordingly, the Movant requests that this Court enter the form of order submitted  
 20 with this Motion.

21 Dated: July 12, 2007.

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<sup>1</sup> Fed. R. Bankr. P. 2004(b).

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